

form, but I think that it is useful as a practical matter to have, with adequate safeguards — and I believe the ten percent registered voters petition requirement is an adequate safeguard — recourse from a legislature which cannot be re-elected but once every four years, and which in the meantime may be avoiding grave constitutional issues for which redress is needed.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, it is apparent that the whole objective of this amendment is to say there are times when we are going to have an irresponsible legislature, and we have to find some way of short circuiting the legislature in the amendment process.

I suggest that this amendment will not then accomplish the purpose at all because it gives to the legislature the functions of making the vital definitions and the process that would be used under this amendment. The legislature apparently will be permitted to determine over what period of time the signatures are to be gathered. If you have an irresponsible legislature that is not going to respond to the will of the people, obviously they can make this time so short it cannot possibly be used. If, on the other hand, you have a legislature that is irresponsible in a way that seeks to pass the buck to the people and remove its responsibilities, then they can permit a year or any such extended period of time for the gathering of signatures.

Consequently it is clear that the legislature whose irresponsibility gives rise to this proposal can either make the proposal be most useful in a manner that its proponents do not want, as Delegate Winslow pointed out in the California experience, or can so frustrate the objective of its proponents that no amendment can ever come to the people under this proposal before us.

I suggest that all of the reasons that were given for determining that we should not have initiative in the passage of ordinary laws where any errors can be corrected by another session of the General Assembly, or by a special session of the General Assembly, apply with even greater force to constitutional amendments where we will not have had the benefits of the deliberative process at any of the stages of the game and where errors cannot be easily corrected later on.

THE CHAIRMAN: Is there any other discussion? Are you ready for the question? Delegate Schloeder.

DELEGATE SCHLOEDER: Mr. Chairman, I feel compelled to rise for a number of reasons in support of this amendment by a seat-mate, Delegate Schneider, who is now on the other side of the room. He assured me he is going to support me for what I think is the third time since September 12. I rise with that kind of backing.

Also Delegate Scanlan, my other seat-mate on my right, has alluded to George Norris. I cannot help but remember the story they told comparing George Norris to Senator Borah. They said Borah, unlike Norris, fought his enemies until he saw the whites of their eyes. Norris did not begin his fight until he did see the whites of their eyes.

Being that close to Delegate Scanlan, I have to rise to oppose his position. I think three reasons all have been made but I would like to remake them.

One, it gives people opportunity to participate as a part of the government, as individuals, not through a representative process. I think Delegate Winslow's argument about legislative reapportionment having come to this state forty years ago is a very compelling one.

I think there is another one. This may strike closer to home. I think a great many things we are going to write into this constitution are going to be suspect as far as the general public is concerned. I think that the public is going to be asked to take a constitution on balance. I am going to ask them to do that. I think they should have through the constitutional initiative process the right to change that part of the constitution that they may disagree with, to do it directly and not through their representatives.

I think that the situation or the criteria set up by Delegate Winslow make this very restrictive and I do not see that this is very similar to the indirect initiative that I was a co-sponsor of earlier in the session.

For those reasons I would appreciate your supporting this amendment.

THE CHAIRMAN: Delegate Cardin.

DELEGATE CARDIN: Mr. Chairman, I would like to speak against this even though I am in favor of the idea. The more I have studied it the more I realize there are pit-falls.

First I would suggest that if this were so great and so important a need the possibility of forty-six or fifty thousand signatures delivered to the office of the governor